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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,293	08/29/2000	Chijioke Chukwuemeka	24065.50	9866

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R Lewis Gable
Cowan Liebowitz & Latman P C
1133 Avenue of the Americas
New York, NY 10036-6799

EXAMINER

GREENE, DANIEL L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/650,293

Applicant(s)

CHUKWUEMEKA, CHIJOKE

Examiner

Daniel L. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. Claims 4 and 5 recites the limitation "financial instrument" in the body of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. U.S. Patent 6,105,008 [Davis], and further in view of Camp et al. U.S. Patent 6,076,078 [Camp].**

4. As per claim 1:

5. Davis discloses:

providing a token to at least one clearing server, the token having an indicated value; Col. 10, lines 17-55.

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communicating a request for an update key to said at least one clearing server;

Col. 10, lines 17-55.

Davis discloses the claimed invention except for ascertaining an amount paid by the consumer to a previous merchant, the previous merchant being an entity distinct from the clearing server and verifying the value of the token utilizing the ascertained amount paid by the consumer to the previous merchant. However, Davis does disclose checking the card balance. Col./ 12, lines 25-42.

Camp teaches that it is known in the art to provide ascertaining an amount paid by the consumer to a previous merchant, the previous merchant being an entity distinct from the clearing server and verifying the value of the token utilizing the ascertained amount paid by the consumer to the previous merchant. Col. 16, lines 30-60.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the procedure of checking the card balance of Davis with the ascertaining an amount paid by the consumer to a previous merchant, the previous merchant being an entity distinct from the clearing server and verifying the value of the token utilizing the ascertained amount paid by the consumer to the previous merchant of Camp, in order to insure that the token is not overdrawn.

Davis further discloses:

providing said update key, said update key being used as an authorization to modify the value of said token. Col. 13, lines 20-62.

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As per claims 2 and 21:

Davis further discloses:

wherein said step of providing said token comprises a step of the consumer purchasing said token from said at least one clearing server, said at least one clearing server using computing devices connected to the network. Col. 24, lines 1-27.

As per claim 3:

Davis further discloses:

wherein said purchasing step is performed by the consumer providing to said at least one clearing server personal information regarding the consumer and financial information regarding a payment instrument to be used by the consumer. Col. 1, lines 35-65.

As per claim 4:

Davis further discloses:

wherein said financial instrument is a credit card. Col. 7, lines 24-50.

As per claim 5:

Davis further discloses:

wherein said financial instrument is a cash card. Col. 7, lines 24-50.

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As per claim 6:

Davis further discloses:

wherein the step of providing said token comprises a step of the consumer retrieving a previously purchased token from said at least one clearing server. Col. 27, lines 30-57.

As per claim 7:

Davis further discloses:

wherein said step of providing said token further comprising a step of selecting for purchase at least one quote from a plurality of quotes of goods and services, said plurality of quotes of goods and services and their prices being displayed on the computing devices utilized by the plurality of merchants. Fig. 11A.

As per claim 8:

Davis further discloses:

wherein said step of providing said token further comprising a step of presenting to the merchant said token and said selected for purchase at least one quote. Col. 12, lines 1-25.

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As per claim 9:

Davis further discloses:

combining into a total price prices of all said selected for purchase at least one quote; rejecting said transaction if a value of said token is less than the said total price; Col. 12, lines 25-42, and communicating to said at least one clearing server said token, said total price, and a request for said update key. Col. 12, lines 25-60.

As per claim 10:

Davis discloses the claimed invention, as discussed above, except for the step of wherein said step of ascertaining said amount paid is performed by polling said previous merchant to receive at least two information uploads from the merchant to said at least one clearing server. However, Davis does teach about the interaction between the payment server, the security server and the merchant server and further teaches that the security and payment server can be one in the same. Col. 4, lines 25-36.

It would have been an obvious matter to modify the teachings of Davis, to provide the step of wherein said step of ascertaining said amount paid is performed by polling said previous merchant to receive at least two information uploads from the merchant to said at least one clearing server.

Since the applicant has not disclosed that wherein said step of ascertaining said amount paid is performed by polling said previous merchant to receive at least two information uploads from the merchant to said at least one clearing server, solves any stated problem in a new or unexpected way or is for any particular purpose which is

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unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Davis will perform the invention as claimed by the applicant with any means, method, or product to wherein said step of ascertaining said amount paid is performed by polling said previous merchant to receive at least two information uploads from the merchant to said at least one clearing server.

As per claims 11 and 18:

Davis discloses:

the consumer receiving a token from a clearing server, the token having value;
Col. 7, lines 24-40.

the consumer selecting for purchase at least one quote from a plurality of price quotes of goods and services, said plurality of price quotes of goods and services being displayed on the computing devices utilized by the plurality of merchants; Fig. 11A

the consumer communicating a request for a purchase to the merchant the merchant being an entity distinct from the clearing server; Col. 12, lines 1-25.

the merchant communicating a request for an update key from the clearing server, said update key being used as an authorization to modify the value of the token;
Col. 10, lines 17-55.

Davis discloses the claimed invention except for ascertaining an amount paid by the consumer to a previous merchant and verifying the value of the token utilizing the

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ascertained amount paid by the consumer to the previous merchant . However, Davis does disclose checking the card balance. Col./ 12, lines 25-42.

Camp teaches that it is known in the art to provide ascertaining an amount paid by the consumer to a previous merchant and verifying the value of the token utilizing the ascertained amount paid by the consumer to the previous merchant. Col. 16, lines 30-60.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the procedure of checking the card balance of Davis with the ascertaining an amount paid by the consumer to a previous merchant and verifying the value of the token utilizing the ascertained amount paid by the consumer to the previous merchant of Camp, in order to insure that the token is not overdrawn.

Davis further discloses:

providing said update key to the merchant to enable the merchant to modify the value of the token. Col. 13, lines 20-62.

As per claims 12, 23, and 25:

Davis further discloses:

wherein said step of the consumer receiving said token further comprises a step of maintaining said token in only random access memory of the one or more computing devices. Col. 30, lines 1-20.

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As per claim 13:

Davis further discloses:

wherein said step of the consumer selecting further comprises a step of the consumer establishing at least one data path from the one or more computing devices used by the consumer to the one or more computing devices used by the merchant.

Fig. 4.

As per claim 14:

Davis further discloses:

wherein said step of the consumer communicating said request further comprising a step of the consumer forwarding said token from the one or more computing devices used by the consumer to the one or more computing devices used by the merchant. Col. 8, lines 10-25.

As per claim 15:

Davis further discloses:

wherein said step of the merchant communicating a request for said update key further comprising a step forwarding said token from the one or more computing devices used by the merchant to a clearing server, said clearing server using one or more computing devices. Col. 18, lines 35-65.

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As per claim 16:

Davis further discloses:

wherein said step of ascertaining an amount paid further comprising a step of comparing said token forwarded by said merchant to said token received by the consumer to establishing whether said token has been previously used. Col. 12, lines 25-45.

As per claim 17:

Davis further discloses:

wherein said step of providing said update key further comprising a step of sending said update key from the one or more computing devices used by said clearing server to the one or more computing devices used by the merchant. Col. 15, lines 1-25.

As per claim 19:

Davis discloses:

providing an electronic token from the consumer to the merchant as part of a commercial transaction, the token having value; Col. 10, lines 17-55.

providing the token from the merchant to a clearing server that is separate and distinct from the merchant; Fig. 9.

Davis discloses the claimed invention except for determining by the clearing server whether the consumer to verify the value of the token previously used the token. However, Davis does disclose checking the card balance. Col./ 12, lines 25-42.

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Camp teaches that it is known in the art to provide determining by the clearing server whether the consumer to verify the value of the token previously used the token . Col. 16, lines 30-60.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the procedure of checking the card balance of Davis with the determining by the clearing server whether the token was previously used by the consumer to verify the value of the token of Camp, in order to insure that the token is not overdrawn.

Davis further discloses:

providing an update key from the clearing server to the merchant; and using the update key to modify the value of the token. Col. 13, lines 20-62.

As per claim 20:

Davis further discloses:

wherein the step of using the update key is carried out by providing the update key from the merchant to the consumer and modifying the value of the token held by the consumer using information stored on the update key. Col. 18, lines 35-65.

As per claim 22:

Davis discloses the claimed invention except for the wherein the step of purchasing includes providing the token to the consumer; and the method further

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comprises the step of providing the token a second time to the consumer from the clearing server.

Camp teaches that it is known in the art to provide a wherein the step of purchasing includes providing the token to the consumer; and the method further comprises the step of providing the token a second time to the consumer from the clearing server. Col. 15, lines 15-40.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the loading of a stored value card of Davis, Col. 23, lines 57-67, with the wherein the step of purchasing includes providing the token to the consumer; and the method further comprises the step of providing the token a second time to the consumer from the clearing server of Camp, in order to facilitate multi-transactions.

As per claim 24:

Davis discloses the claimed invention except for wherein the step of purchasing includes supplying the token to a computing device of the consumer and maintaining the token in a memory of the computing device; and the method further comprises the step of supplying the token again to the computer device from the clearing server after the memory of the computing device loses the maintained token.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to wherein the step of purchasing includes supplying the token to a computing device of the consumer and maintaining the token in a memory of the

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computing device; and the method further comprises the step of supplying the token again to the computer device from the clearing server after the memory of the computing device loses the maintained token, since it is known in the art that replacement of authenticated tokens due to validated loss due to computer malfunctions is old and well known.

As per claim 26:

Davis further discloses:

wherein the step of purchasing includes supplying the token to a computing device of the consumer and maintaining the token in a memory of the computing device; and the method further comprises the step of supplying the token again to the computer device from the clearing server after the token expires. Col. 25, lines 5-67.

As per claim 27:

Davis further discloses:

wherein the step of determining by the clearing server whether the token was previously used by the consumer includes the step of polling a previous merchant from which the consumer made a previous purchase with the token, and receiving information from the previous merchant about the previous purchase, modifying a value of the token as maintained at the clearing server, and verifying that the modified value of the token as maintained at the clearing server matches the value of the token provided from the merchant to the clearing server; and wherein the step of providing an

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update key from the clearing server to the merchant is carried out after verifying that the modified value of the token as maintained at the clearing server matches the value of the token provided from the merchant to the clearing server. Fig. 5, Col. 11-12.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

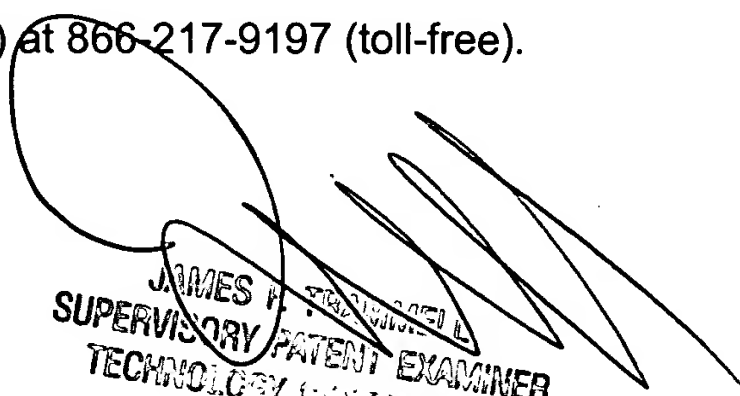
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/3/2004

DLG


JAMES H. [unclear]
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600